

Sixth Appellate District

San Jose, California

MONDAY, JUNE 6, 2005

H028477 PEOPLE v. CARRASCO

The judgment is affirmed. (not published)  
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed June 6, 2005

H026944 MARRIAGE OF ROSSI

We affirm the challenged order after trial, which was filed on October 7, 2003. Husband shall have costs on appeal. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed June 6, 2005

TUESDAY, JUNE 7, 2005

H027861 PEOPLE v. CHIOINO

The clerk of the superior court is directed to modify the abstract of judgment in case No. SS022872A, reducing the restitution fines pursuant to Penal Code section 1202.4, subdivision (b), and Penal Code section 1202.45 from \$4,400 to \$2,000 each and to forward the amended abstract of judgment to the Department of Corrections. As modified, the judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed June 7, 2005

H027748 PEOPLE v. ESPARZA

The cause herein is ordered submitted.

Dated: June 7, 2005 RUSHING, P.J.

H027861 PEOPLE v. CHIOINO

The cause herein is ordered submitted.

Dated: June 7, 2005 RUSHING, P.J.

H027748 PEOPLE v. ESPARZA

The judgment is modified to stay the concurrent term imposed for count 3. As so modified, the judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed June 7, 2005

Sixth Appellate District

San Jose, California

WEDNESDAY, JUNE 8, 2005

H027261 PEOPLE v. GARCIA

H027958 PEOPLE v. DELOSREYES

H028245 PEOPLE v. MARKRELL

H028110 PEOPLE v. CORONADO

The cause herein is ordered submitted.

Dated: June 8, 2005 RUSHING, P.J.

H028171 PEOPLE v. JOHNSON

The cause herein is ordered submitted.

Dated: June 8, 2005 PREMO, Acting P.J.

H027963 PEOPLE v. MORRIS

H028170 PEOPLE v. MALSTROM

H028215 PEOPLE v. DIAZ

The cause herein is ordered submitted.

Dated: June 8, 2005 BAMATTRE-MANOUKIAN, Acting P.J.

H027731 PETERSON v. SAYER

H027730 PEOPLE v. JIMINEZ

H027978 PEOPLE v. GONZALEZ

H027546 TUGUINOD, ET AL. v. NORTH AMERICAN VAN LINES, ET AL.

H027806 PEOPLE v. FERRIS

The cause herein is ordered submitted.

Dated: June 8, 2005 RUSHING, P.J.

H027492 PEOPLE v. NGUYEN

The judgment is affirmed. The three-year gang enhancement imposed pursuant to Penal Code section 186.22, subdivision (b)(5) is ordered stricken and the abstract of judgment amended to reflect the striking of the enhancement. The superior court is directed to amend the abstract of judgment accordingly and to forward a certified copy of the amended abstract to the Department of Corrections. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed June 8, 2005

Sixth Appellate District

San Jose, California

Wednesday, June 8, 2005 (continued)

H027957 PEOPLE v. SANCHEZ  
H027313 PEOPLE v. SALDANA  
H027913 PEOPLE v. SALAZAR  
H027759 PEOPLE v. MENDOZA  
H027997 PEOPLE v. DUDA  
H027662 MARRIAGE OF ZIMMERMAN  
H027876 JAHN, ET AL. v. GROSS, ET AL.  
H028225 SANTA CRUZ HUMAN RESOURCES AGENCY v. CRESENCIANO L.  
H027315 PEOPLE v. QUINTERO  
H027965 PEOPLE v. FIGUEROA  
H027785 PEOPLE v. RIVERA  
H028033 PEOPLE v. BOUCK  
H027607 PEOPLE v. CARRILLO  
H027844 PEOPLE v. PEREZ  
H028097 PEOPLE v. WILLIAMS  
H028063 BELMONTE, ET AL. v. SERWER  
The cause herein is ordered submitted.  
Dated: June 8, 2005 BAMATTRE-MANOUKIAN, Acting P.J.

H028053 PEOPLE v. RESURRECCION  
The judgment is affirmed. (not published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed June 8, 2005

H028148 PEOPLE v. HILL  
The cause herein is ordered submitted.  
Dated: June 8, 2005 BAMATTRE-MANOUKIAN, Acting P.J.

H026476 PEOPLE v. LOPEZ  
The judgment is reversed. (published)  
(Walsh, J.\*; We concur: Rushing, P.J., Premo, J.)  
Filed June 8, 2005  
(\*Judge of the Santa Clara County Superior Court assigned by the  
Chief Justice pursuant to article VI, section 6 of the California  
Constitution.)

Sixth Appellate District

San Jose, California

Wednesday, June 8, 2005 (continued)

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J. and B. Miller, Deputy Clerk.

H028456 In re the Marriage of SLATER & BUSHNELL

Cause called for an order to show cause hearing regarding failure to file a timely reporter's transcript. Auravelia Clendenen and Supervisor Mikayla Scott are both present and sworn. The court discusses the reporter's history of late filings of her transcripts and issuance of orders to show cause. The court further orders both parties to submit letters to the court explaining why the transcript was not filed in a timely manner and what they can do in the future to ensure the timeliness. If the court is satisfied with the letters, the matter may be taken off calendar. The court orders this matter continued to July 6, 2005 at 9:30 a.m. Court adjourns.

Sixth Appellate District

San Jose, California

THURSDAY, JUNE 9, 2005

IN THE MATTER OF THE SELECTION OF AN ASSOCIATE JUSTICE TO ACT AS  
PRESIDING JUSTICE

By the Court:

Pursuant to the provisions of Article VI, Section 3 of the Constitution of the State of California and California Rules of Court, rule 75, I hereby select Associate Justice Eugene M. Premo as Acting Presiding Justice to perform all of the functions of Presiding Justice of the Sixth Appellate District when I am absent or unable to act, and in the event we are both absent or unable to act, I hereby select Associate Justice Franklin D. Elia as Acting Presiding Justice to perform all of the functions of the Presiding Justice of the Sixth Appellate District. When I am absent or unable to act, and in the event the above Justices are absent or unable to act, I hereby select Associate Justice Patricia Bamattre-Manoukian as Acting Presiding Justice to perform all of the functions of the Presiding Justice of the Sixth Appellate District. When I am absent or unable to act, and in the event the above Justices are absent or unable to act, I hereby select Associate Justice Nathan D. Mihara as Acting Presiding Justice to perform all of the functions of the Presiding Justice of the Sixth Appellate District. When I am absent or unable to act, and in the event the above Justices are absent or unable to act, I hereby select Associate Justice Richard J. McAdams as Acting Presiding Justice to perform all of the functions of the Presiding Justice of the Sixth Appellate District. When I am absent or unable to act, and in the event the above Justices are absent or unable to act, I hereby select Associate Justice Wendy Clark Duffy as Acting Presiding Justice to perform all of the functions of the Presiding Justice of the Sixth Appellate District.

Dated June 9, 2005

Rushing, P.J.

H027070 PEOPLE v. MADRIGAL

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: June 9, 2005

\*Before Rushing, P.J., Premo, J. and Elia, J.

H027473 FERRETTI, et al. v. SMITH

By the Court\*:

Appellants' petition for rehearing is denied.

Filed: June 9, 2005

\*Before Rushing, P.J., Premo, J. and Elia, J.

Sixth Appellate District

San Jose, California

Thursday, June 9, 2005 (continued)

H027337 HONESTO on Habeas Corpus

The superior court's order granting Honesto's petition is reversed, and the matter is remanded to the superior court with directions to enter a new order denying Honesto's petition.

(published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed June 9, 2005

H027408 PEOPLE v. ANGELIQUE O.

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: June 9, 2005

\*Before Rushing, P.J., Premo, J. and Elia, J.

H028576 RITCHEY v. CONTINENTAL INSURANCE COMPANY

BY THE COURT:

Appellant's request for relief from dismissal is granted. The dismissal order filed on May 10, 2005 is here vacated and the appeal is restored to active status.

Appellant shall make the deposit for the reporter's transcript within 15 days from the date of this order.

Dated June 9, 2005

Rushing, P.J.

FRIDAY, JUNE 10, 2005

H027653 PEOPLE v. REIMERS

The judgment is affirmed. (not published)

(McAdams, J.; I concur: Bamattre-Manoukian, Acting P.J.; Dissenting opinion by Mihara, J.)

Filed June 10, 2005

H027772 NEASMAN v. CLARKE, et al.

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed June 10, 2005

Sixth Appellate District

San Jose, California

Friday, June 10, 2005 (continued)

H027836 PEOPLE v. COE

Upon issuance of the remittitur, the clerk of the superior court is ordered to prepare a corrected abstract of judgment that reflects that defendant has been assessed a restitution fine in the sum of \$200 pursuant to section 1202.4, subdivision (b) and a parole revocation fine in the amount of \$200 pursuant to section 1202.45 and that the latter fine is suspended unless parole is revoked. Once the corrected abstract of judgment has been prepared, the clerk is ordered to forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

(not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed June 10, 2005

H028812 REYNOLDS CASAS AND RILEY, LLP. v. HOWSER

By the Court:

This court having received notification from the Santa Clara County Superior Court that this appeal is from a limited, not unlimited, jurisdiction matter, the notice of appeal lodged May 12, 2005, is hereby stricken and the appeal is remanded to the Appellate Department of the Santa Clara County Superior Court.

Dated June 10, 2005

Rushing, P.J.

H027521 LOWE on Habeas Corpus

The trial court's May 21, 2004 order granting Lowe's petition for writ of habeas corpus and directing that Lowe be "released per the terms of his parole" is reversed. The trial court is directed to enter a new order denying the petition. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed June 10, 2005

H027488 GORMAN v. MERRILL LYNCH, et al.

Appellants' motion to withdraw request for oral argument is granted, and the matter is ordered off the June 21, 2005, calendar. Cause ordered submitted.

Dated: June 10, 2005

RUSHING, P.J.